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Atty. Docket No. GEN10 P-459

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

6.17.08
Date

Julie Stein
Julie Stein

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 2872
Examiner : John A. Ward
Applicant : Jeremy A. Fogg et al.
Appln. No. : 10/826,047
Filing Date : April 16, 2004
Confirmation No. : 9459
For : REARVIEW MIRROR LIGHT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

The PTO did not receive the following
listed item(s) Check \$200.00

REQUEST FOR RECONSIDERATION OF
THE PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.703(a)(6)

The above-identified patent has issued with a term extended under 35 U.S.C. §154(b) of 127 days. Applicant hereby petitions for a reconsideration of the patent term adjustment. Applicant respectfully submits that the patent term of the above-identified patent should be 198 days. Applicant submits that the patent term adjustment determined by the Patent and Trademark Office is incorrect by 71 days, as a 71 day delay was incorrectly attributed to the Applicant.

The relevant dates for the above-identified patent application are as follows:

1. A first non-final Office Action on the merits was mailed on May 19, 2006.
2. A supplemental Office Action to the first non-final Office Action on the merits

was mailed on May 25, 2006.

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3. A Response to the supplemental Office Action was received by the Patent Office on August 23, 2006.

4. A second non-final Office Action on the merits was mailed on November 2, 2006.

5. A first supplemental Office Action to the second non-final Office Action on the merits was mailed on December 5, 2006.

6. A second supplemental Office Action to the second non-final Office Action on the merits was mailed on February 15, 2007.

7. A Response to the second supplemental Office Action to the second non-final Office Action on the merits was received by the Patent Office on May 15, 2007.

It is noted that the first supplemental Office Action to the second non-final Office Action on the merits (i.e., 4 above) was mailed because the second non-final Office Action (i.e., 3 above) included errors as it pertained to an examination of the claims. Furthermore, the second supplemental Office Action to the second non-final Office Action on the merits (i.e., 5 above) was mailed because the first supplemental Office Action to the second non-final Office Action on the merits (i.e., 4 above) was identical to the first non-final Office Action on the merits (i.e., 2 above). Finally, on February 15, 2007, an Office Action addressing the Response filed on August 23, 2006, was mailed.

In calculating the patent term adjustment, the Applicant was considered to have delayed the prosecution of the present application for 71 days as calculated from the day that the first supplemental Office Action to the second non-final Office Action on the merits (i.e., 4 above) was mailed until the day that a response to the second supplemental Office Action to the second non-final Office Action on the merits (i.e., 7 above) was received by the Patent Office. However, as clearly shown above, Applicant was clearly not responsible for this 71 day delay as the Patent Office did not send out a proper Office Action until February 15, 2007, and Applicant responded within 3 months of that date. Notably, it appears that the Patent Office is

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actually responsible for the delay as a proper Office Action was not issued until almost 6 months after a response was filed.

Accordingly, Applicant respectfully requests reconsideration of the patent term adjustment. Applicant respectfully submits that the patent term of the above-identified patent should be 198 days. Applicant submits that the patent term adjustment determined by the Patent and Trademark Office is incorrect by 71 days, as a 71 day delay was incorrectly attributed to the Applicant.

In support of Applicant's petition, Applicant has enclosed a check for \$200.00. Please charge any additional fees or credit any overpayment to Deposit Account No. 16-2463. A duplicate copy of this document is attached.

Favorable action on the merits of this petition is earnestly solicited.

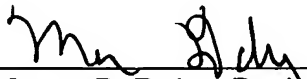
Respectfully submitted,

JEREMY A. FOGG
STEVEN G. HOEK

By: Price, Heneveld, Cooper,
DeWitt & Litton

June 17, 2008

Date



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MPD/jbs